

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

JESSE HERRICK, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

NELNET SERVICING, LLC,

Defendant.

Case No. 4:22-cv-3181

The Honorable John M. Gerrard, U.S.D.J.
The Honorable Cheryl R. Zwart, U.S.M.J.

CLASS ACTION

ROBERT CARLSON, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

NELNET SERVICING, LLC,

Defendant.

Case No. 4:22-cv-3184

The Honorable John M. Gerrard, U.S.D.J.
The Honorable Cheryl R. Zwart, U.S.M.J.

CLASS ACTION

CAREY M. BALLARD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NELNET SERVICING, LLC,

Defendant.

Case No. 4:22-cv-3185

The Honorable John M. Gerrard, U.S.D.J.
The Honorable Cheryl R. Zwart, U.S.M.J.

CLASS ACTION

<p>JENNIFER HEGARTY, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3186</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>AMANDA BEASLEY, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3187</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>MICHAEL VARLOTTA, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3188</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>DYLAN HOLLENKAMP, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3189</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>WILLIAM SPEARMAN, BRITTNI LINN, JESSICA ALEXANDER, CHRISTOPHER SANGMEISTER, TAYLOR VETTER, NICHOLE ALLOCCA, KAYLI LAZARD, and BRIDGET CAHILL, individually and on behalf of all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3191</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>BARBARA MILLER, on behalf of herself and all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3193</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>FRANCINE SIMMONS, individually and on behalf all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3194</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>ANTONIA BIRD, individually, and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3195</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>VERONICA JOAQUIN-TORRES, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3196</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>KENNEDY FREEMAN, and AARON MORRIS, Individually, and on Behalf of All Others Similarly Situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3197</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>MIA SAYERS and KYLEE WILLIAMS, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3203</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>PAMELA BUMP, MELISSA CHARBONNEAU, DOUGLAS CONLEY, NOAH HELVEY, DALLIN ILER, DUSTIN JONES, DEVINNE PETERSON, JUSTIN RANDALL, SOFIA RODRIGUEZ, and RACHEL WOODS, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3204</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>CHRISTOPHER CORDARO, Individually, and on Behalf of All Others Similarly Situating,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3207</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>RYAN GAMEN, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3209</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>HUNTER FREELAND, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3211</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>MAX EICHENBLATT, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 4:22-cv-3227</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>NEIL KITZLER, an individual, and on behalf of classes of similarly situated individuals,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NELNET SERVICING, LLC, a Nebraska Limited Liability Company, and DOES 1 to 10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 4:22-cv-3241</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
<p>ANTHONY QUINN, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>EDFINANCIAL SERVICES, LLC and NELNET SERVICING, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 8:22-cv-413</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>

<p>IAN SCOTT, LESLY CANALES, ERIC POLANCO, JOSHUA SANCHEZ, and DELILAH OLIVEIRA, individually and on behalf of all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>NELNET SERVICING, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-3259</p> <p>The Honorable John M. Gerrard, U.S.D.J. The Honorable Cheryl R. Zwart, U.S.M.J.</p> <p>CLASS ACTION</p>
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**PLAINTIFFS' MOTION TO CONSOLIDATE PURSUANT TO
FED. R. CIV. P. 42(a), APPOINT INTERIM CO-LEAD CLASS COUNSEL PURSUANT
TO FED. R. CIV. P. 23(g)(3), AND TO FILE A CONSOLIDATED COMPLAINT AND
SET A BRIEFING SCHEDULE**

PLEASE TAKE NOTICE, that pursuant to Fed. R. Civ. P. 42(a) and 23(g)(3), Plaintiffs William Spearman, Brittni Linn, Jessica Alexander, Christopher Sangmeister, Taylor Vetter, Nichole Allocca, Kayli Lazard, and Bridget Cahill in *Spearman, et al. v. Nelnet Servicing, LLC*, Case No. 4:22-cv-3191 (D. Neb.) (the “*Spearman* Plaintiffs”), Pamela Bump, Melissa Charbonneau, Douglas Conley, Noah Helvey, Dallin Iler, Dustin Jones, Devinne Peterson, Justin Randall, Sofia Rodriguez, and Rachel Woods in *Bump, et al. v. Nelnet Servicing, LLC*, Case No. 4:22-cv-3204 (D. Neb.) (the “*Bump* Plaintiffs”), and Ian Scott, Lesly Canales, Eric Polanco, Joshua Sanchez, and Delilah Oliveira in *Scott, et al. v. Nelnet Servicing, LLC*, Case No. 4:22-cv-3259 (D. Neb.) (the “*Scott* Plaintiffs”) (together with the *Spearman* and *Bump* Plaintiffs, collectively, the “Plaintiffs”) respectfully move this Court for entry of an Order: (1) consolidating the above captioned related District of Nebraska Actions; (2) appointing Lowey Dannenberg, P.C. and Silver Golub & Teitell LLP as Interim Co-Lead Class Counsel; and (3) setting a briefing schedule for Plaintiffs to file their Consolidated Complaint and for Defendants to respond.

PLEASE TAKE FURTHER NOTICE, this motion is based on the accompanying [Proposed] Order, Plaintiffs’ memorandum of law, the firm resumes of Lowey Dannenberg, P.C. and Silver Golub & Teitell LLP, and all the papers and pleadings in the above-captioned actions.

PLEASE TAKE FURTHER NOTICE, that Plaintiffs request oral argument on this motion. Pursuant to Local Civil Rule 7.1(e), oral argument is necessary here given the large number of putative class actions filed in this District and the pendency of a scheduled mediation (described more fully in Plaintiffs’ accompanying memorandum of law) that is expected to take place with Defendants and only a select group of plaintiffs’ counsel without interim class counsel being appointed to represent the Class. Plaintiffs estimate they will require no more than ten (10) minutes for direct oral argument.

WHEREFORE, Plaintiffs respectfully request that this Court grant their motion to consolidate the above captioned related District of Nebraska Actions pursuant to Fed. R. Civ. P. 42(a), appoint Lowey Dannenberg, P.C. and Silver Golub & Teitell LLP as Interim Co-Lead Class Counsel pursuant to Fed. R. Civ. P. 23(g)(3), set a briefing schedule for Plaintiffs to file a Consolidated Complaint and for Defendants to respond, and enter the [Proposed] Order submitted in conjunction with this motion.

Dated: December 13, 2022

Respectfully submitted,

/s/ Joel M. Carney

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2022, a copy of this motion was filed electronically with the United States District Court for the District of Nebraska and served on all counsel of record through the CM/ECF system.

/s/ Joel M. Carney

Joel M. Carney

Exhibit 1



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20 Lowey Dannenberg's Recognized Expertise



Firm Overview

Since the firm's founding by Stephen Lowey in the 1960s, Lowey Dannenberg, P.C. ("Lowey Dannenberg") has represented sophisticated clients in complex federal antitrust, commodities, and securities litigation. Lowey Dannenberg also regularly represents some of the world's largest health insurers in healthcare cost recovery actions.

Lowey Dannenberg has recovered billions of dollars for its clients and the classes they represent. Those clients include some of the nation's largest pension funds, e.g., the California State Teachers' Retirement System ("CalSTRS"), the Treasurer of the Commonwealth of Pennsylvania and the Pennsylvania Treasury Department, the New York State Common Retirement Fund, and the New York City Pension Funds; sophisticated institutional investors, including Federated Investors, which manages more than \$600 billion in assets; and Fortune 100 companies like Aetna, Anthem, CIGNA, Humana, and Verizon.

Aetna and Humana have publicly lauded Lowey in Corporate Counsel Magazine as their "Go To" outside counsel because of the firm's years of service to Fortune 100 health insurers in opt-out litigation involving state and federal fraud claims.



Antitrust Class Actions

Lowey Dannenberg regularly serves as court appointed lead or co-lead counsel on some of the most important and complex antitrust class actions against some of the world's largest corporations, financial institutions, and producers. The firm has more than 40 attorneys who specialize in prosecuting these cases, including the following representative matters.

The Court itself had occasion to notice the high quality of [Lowey Dannenberg's] work, both in briefs and oral argument. Moreover, counsels' achievement in obtaining valuable recompense and forward-looking protections for its clients is particularly noteworthy given the caliber and vigor of its adversaries.

Judge Jed Rakoff, *In re GSE Bonds Antitrust Litigation*, No. 19-CV-1704 (S.D.N.Y.)

In re GSE Bonds Antitrust Litigation

Lowey Dannenberg served as Court-appointed Co-Lead Counsel in an antitrust class action alleging that several of the world's largest banks and brokers conspired to fix the prices of debt securities issued by government sponsored entities (e.g., Fannie Mae, Freddie Mac, Federal Farm Credit Banks, and Federal Home Loan Banks) between 2009 and 2016. *In re GSE Bonds Antitrust Litigation*, No. 19-cv-1704 (S.D.N.Y.) (Rakoff, J.).

On June 16, 2020, Judge Jed S. Rakoff finally approved settlements with all defendants totaling more than \$386 million. Judge Rakoff praised "the high quality of [Lowey's] work, both in briefs and oral argument," and Lowey's achievement in "obtaining valuable recompense and forward-looking protections for its clients" in the face of vigorous opposition from adversaries of the highest caliber. See *In re GSE Bonds Antitrust Litig.*, No. 19-CV-1704 (JSR), 2020 WL 3250593 (S.D.N.Y. June 16, 2020). Notably, in addition to the substantial financial recovery in the case, Lowey worked closely with its client, the Treasurer of the Commonwealth of Pennsylvania, to curb future misconduct and successfully negotiated settlement provisions that required each defendant to maintain or create a compliance program designed prevent and detect future anticompetitive conduct in the GSE Bond Market.

In re European Government Bonds Antitrust Litigation

Lowey Dannenberg serves as court-appointed co-lead counsel in *In re European Government Bonds Antitrust Litigation*, Case No. 19-cv-2601 (VM) (S.D.N.Y.). The case is currently pending before Judge Victor Marrero in the Southern District of New York, and involves alleged price-fixing by dealers responsible for bringing bonds issued by Eurozone member countries to the secondary market. On July 23, 2020, Judge Marrero sustained antitrust claims against three dealers and allowed Plaintiffs to seek leave to replead their claims against the remaining defendants. Judge Marrero has also preliminarily approved two Settlements with State Street and JPMorgan, resulting in a settlement fund of \$13 million. *In re European Gov't Bonds Antitrust Litig.*, No. 19-cv-2601 (VM), 2020 WL 4273811 (S.D.N.Y. July 23, 2020).

In re Mexican Government Bonds Antitrust Litigation

Lowey Dannenberg serves as Court-appointed sole Lead Counsel in a class action against 10 global financial institutions that allegedly violated the Sherman Act by colluding to fix the prices of debt securities issued by the Mexican Government between 2006 and 2016. Plaintiffs are eight institutional investors that transacted in Mexican government debt, including directly with Defendants. The case is pending before Judge J. Paul Oetken in the Southern District of New York. On October 28, 2021, Judge Oetken granted final approval of a settlement with Defendants JPMorgan Chase and Barclays PLC for \$20.7 million. *In re Mexican Government Bonds Antitrust Litigation*, 1:18-cv-02830 (S.D.N.Y.).

ANTITRUST CLASS ACTIONS

Sullivan, et al. v. Barclays plc, et al. (Euribor)

Lowey Dannenberg is co-lead counsel prosecuting claims against international financial institutions responsible for setting the Euro Interbank Offered Rate ("Euribor"), a global reference rate used to benchmark, price and settle over \$200 trillion of financial products. Co-Lead Plaintiffs include the California State Teachers' Retirement System ("CalSTRS"). So far, Lowey Dannenberg has recovered a total of \$546.5 million for Euribor-based derivatives investors, which includes (1) a \$94 million settlement with Barclays plc and related Barclays entities; (2) a \$45 million settlement with Defendants HSBC Holdings plc and HSBC Bank plc; (3) a \$170 million settlement with Defendants Deutsche Bank AG and DB Group Services (UK) Ltd.; and (4) a \$182.5 million settlement with Defendants Citigroup Inc., Citibank, N.A., JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. On May 9, 2022, Judge Castel issued an Order granting final approval of an additional \$55 million settlement with Defendants Crédit Agricole S.A. and Crédit Agricole CIB.

The claims against the remaining defendants in the case are presently on appeal before the United States Court of Appeals, Second Circuit.

Laydon v. Mizuho Bank, Ltd., et al.; Sonterra Capital Master Fund Ltd., et al. v. UBS AG, et al. (Yen-LIBOR and Euroyen TIBOR)

Lowey Dannenberg is sole lead counsel prosecuting claims against international financial institutions responsible for the intentional and systematic manipulation of the London Interbank Offered Rate ("LIBOR") for the Japanese Yen and Euroyen TIBOR (the Tokyo Interbank Offered Rate). The firm represents clients in two actions relating to manipulation of products price-based on these benchmarks ("Euroyen-based derivatives"): *Laydon v. Mizuho Bank, Ltd. et al.*, 12-cv-03419 (S.D.N.Y.) (Daniels, J.) (involving exchange based Euroyen-based derivatives) and *Sonterra Capital Master Fund, Ltd. et al. v. UBS AG et al.*, 15-cv-5844 (Daniels, J.) (involving over-the-counter Euroyen-based derivatives). Co-Lead Plaintiffs in the *Sonterra* matter include CalSTRS. In the *Sonterra* action, Lowey Dannenberg recently prevailed on its appeal before the United States Court of Appeals, Second Circuit, which reversed the lower court's dismissal of the case. *Sonterra Capital Master Fund Ltd. v. UBS AG*, 954 F.3d 529 (2d Cir. 2020).

Lowey Dannenberg has thus far recovered \$307 million for the Settlement Class and received substantial cooperation from settling defendants that it is using in the actions against the remaining defendants. In 2016, Judge Daniels granted final approval of a \$35 million settlement with HSBC Holdings plc and HSBC Bank plc, a \$23 million settlement with Citigroup, Inc. and several Citi entities, and a cooperation settlement with R.P. Martin. In 2017, Judge Daniels granted final approval of a \$77 million settlement with Deutsche Bank AG and DB Group Services (UK) Ltd. and a \$71 million settlement with JPMorgan Chase & Co. and related entities. On July 12, 2018, Judge Daniels granted final approval of a \$30 million settlement with the The Bank of Tokyo-Mitsubishi UFJ, Ltd. and Mitsubishi UFJ Trust and Banking Corporation. In December 2019, the court finally approved two sets of settlements, one with Bank of Yokohama, Ltd., Shinkin Central Bank, The Shoko Chukin Bank, Ltd., Sumitomo Mitsui Trust Bank, Ltd. and Resona Bank, Ltd. for \$31.75 million, and the second with Mizuho Bank, Ltd., Mizuho Corporate Bank, Ltd., and Mizuho Trust & Banking Co., Ltd., The Norinchukin Bank, and Sumitomo Mitsui Banking Corporation for \$39.25 million. On October 4, 2022, Judge Daniels granted preliminary approval of three settlements with Barclays Bank PLC, Barclays Capital Inc., and Barclays PLC for \$17,750,000; Nex International Limited (f/k/a ICAP plc) and ICAP Europe Limited for \$2,375,000; and TP ICAP plc (f/k/a Tullett Prebon plc and n/k/a TP ICAP Finance plc) for \$2,375,000.

In re London Silver Fixing Ltd., Antitrust Litig.

Lowey Dannenberg is serving as co-lead counsel on behalf of a class of silver investors, including Commodity Exchange Inc. ("COMEX") silver futures contracts traders, against banks that allegedly colluded to fix the London Silver Fix, a global benchmark that impacts the value of more than \$30 billion in silver and silver-based financial instruments. Judge Valerie E. Caproni sustained Sherman Antitrust Act and CEA claims alleged in Lowey Dannenberg's complaint, which relied predominately on sophisticated econometric analysis that Lowey Dannenberg developed in conjunction with a team of leading financial markets experts. *See In re London Silver Fixing Ltd., Antitrust Litig.*, No. 14-md-2573, 2016 WL 5794777 (S.D.N.Y. Oct. 3, 2016). In appointing Lowey Dannenberg, the Court praised Lowey Dannenberg's

experience, approach to developing the complaint, attention to detail, and the expert resources that the firm brought to bear on behalf of the class. See *In re London Silver Fixing Ltd., Antitrust Litig.*, Case No. 14-md-2573 (VEC), ECF No. 17 (Nov. 25, 2014 S.D.N.Y.) (Caproni, J.). On June 15, 2021, Judge Caproni granted final approval of a \$38 million settlement with Deutsche Bank AG and several of its subsidiaries. See Final Approval Order of Settlement with Deutsche Bank AG, Deutsche Bank Americas Holding Corporation, DB U.S. Financial Markets Holding Corporation, Deutsche Bank Securities, Inc., Deutsche Bank Trust Corporation, Deutsche Bank Trust Company Americas, and Deutsche Bank AG New York Branch, *In re London Silver Fixing, Ltd., Antitrust Litig.*, No. 14-md-2573 (S.D.N.Y. Jun. 15, 2021), ECF No. 536. The case is ongoing against the remaining defendants.

Sonterra Capital Master Fund Ltd. v. Credit Suisse Group AG et al.

Lowey Dannenberg is court-appointed sole lead counsel in a class action against numerous global financial institutions responsible for setting the London Interbank Offered Rate for the Swiss Franc (Swiss Franc LIBOR). Defendants settled with global regulators, paid billions in fines, and/or were granted leniency by the European Commission for alleged anti-competitive conduct in the Swiss Franc LIBOR and Swiss Franc LIBOR derivatives market. On September 21, 2021, the Second Circuit Court of Appeals vacated dismissal and remanded the case to Judge Stein, where it remains pending. *Sonterra Capital Master Fund Ltd. v. Credit Suisse Group AG, et al.*, Case No. 15-cv-0871 (S.D.N.Y.).

Fund Liquidation Holdings LLC v. Citibank, N.A.

Lowey Dannenberg filed a proposed class action in July 2015 alleging that the 20 global financial institutions responsible for setting the Singapore Interbank Offered Rate ("SIBOR") and the Singapore Swap Offer Rate ("SOR") manipulated these benchmark rates to benefit their own derivatives positions at the expense of U.S. investors. The Monetary Authority of Singapore investigated these banks and found that traders manipulated SIBOR and SOR, imposing sanctions. On March 17, 2021, the Second Circuit Court of Appeals vacated dismissal of the action and remanded the case to Judge Hellerstein for further proceedings. On November 29, 2022, Judge Hellerstein granted final approval of seven settlements totaling \$155,458,000 with all Defendants in the case. *Fund Liquidation Holdings LLC v. Citibank, N.A., et al.*, 16-cv-5263 (S.D.N.Y.).

Dennis, et al. v. JPMorgan Chase & Co., et al.

Lowey Dannenberg is co-lead counsel in an antitrust class action against numerous global financial institutions responsible for setting the Australian Bank Bill Swap Reference Rate ("BBSW"), pending before Judge Lewis A. Kaplan in the Southern District of New York. *Dennis, et al. v. JPMorgan Chase & Co., et al.*, No. 16-cv-6496 (LAK) (S.D.N.Y.). The case alleges that the defendants engaged in uneconomic transactions in Prime Bank Bills, a type of short-term debt instrument, to manipulate BBSW. In addition to prevailing against most of the defendants on their motions to dismiss, (see *Dennis v. JPMorgan Chase & Co.*, 343 F. Supp. 3d 122 (S.D.N.Y. 2018), adhered to on denial of reconsideration, No. 16-CV-6496 (LAK), 2018 WL 6985207 (S.D.N.Y. Dec. 20, 2018); *Dennis v. JPMorgan Chase & Co.*, 439 F. Supp. 3d 256 (S.D.N.Y. 2020)), Lowey Dannenberg has negotiated class settlements totaling \$185,875,000 with those defendants. Judge Kaplan granted final approval of the settlements on November 1, 2022.

Commodities Litigation

Lowey Dannenberg has successfully prosecuted the most important and complex commodity manipulation actions since the enactment of the Commodity Exchange Act ("CEA").

As court-appointed lead counsel, Lowey Dannenberg has a history of successfully certifying classes of investors harmed by market manipulation schemes.

Sumitomo

In *In re Sumitomo Copper Litigation* ("Sumitomo"), Master File No. 96 CV 4854 (S.D.N.Y.) (Pollack, J.), Lowey Dannenberg was appointed as one of three executive committee members. Stipulation and Pretrial Order No. 1, dated October 28, 1996, at ¶ 13. Plaintiffs' counsel's efforts in *Sumitomo* resulted in a settlement on behalf of the certified class of more than \$149 million, which represented **the largest** class action recovery in the history of the CEA at the time. *In re Sumitomo Copper Litig.*, 182 F.R.D. 85, 95 (S.D.N.Y. 1998). One of the most able and experienced United States District Court judges in the history of the federal judiciary, the Honorable Milton Pollack, took note of counsel's skill and sophistication:

The unprecedented effort of Counsel exhibited in this case led to their successful settlement efforts and its vast results. Settlement posed a saga in and of itself and required enormous time, skill and persistence. Much of that phase of the case came within the direct knowledge and appreciation of the Court itself. Suffice it to say, the Plaintiffs' counsel did not have an easy path and their services in this regard are best measured in the enormous recoveries that were achieved under trying circumstances in the face of natural, virtually overwhelming, resistance.

In re Sumitomo Copper Litig., 74 F. Supp. 2d 393, 396 (S.D.N.Y. 1999).

In re Natural Gas

Lowey Dannenberg served as co-lead counsel in *In re Natural Gas Commodity Litigation*, Case No. 03 CV 6186 (VM) (S.D.N.Y.) ("*In re Natural Gas*"), which involved manipulation of the price of natural gas futures contracts traded on the NYMEX by more than 20 large energy companies.

Plaintiffs alleged that Defendants, including El Paso, Duke, Reliant, and AEP Energy Services, Inc., manipulated the prices of NYMEX natural gas futures contracts by making false reports of the price and volume of their trades to publishers of natural gas price indices across the United States, including Platts. Lowey Dannenberg won significant victories throughout the litigation, including:

- > defeating Defendants' motions to dismiss (*In re Natural Gas*, 337 F. Supp. 2d 498 (S.D.N.Y. 2004));
- > prevailing on a motion to enforce subpoenas issued to two publishers of natural gas price indices for the production of trade report data (*In re Natural Gas*, 235 F.R.D. 199 (S.D.N.Y. 2005)); and
- > successfully certifying a class of NYMEX natural gas futures traders who were harmed by defendants' manipulation of the price of natural gas futures contracts traded on the NYMEX from January 1, 2000 to December 31, 2002. *In re Natural Gas*, 231 F.R.D. 171, 179 (S.D.N.Y. 2005), *petition for review denied*, *Cornerstone Propane Partners, LP, et al. v. Reliant Energy Services, Inc., et al.*, Docket No. 05-5732 (2d Cir. August 1, 2006).

The total settlement obtained in this complex litigation—\$101 million—was at the time, the **third largest** recovery in the history of the CEA.

COMMODITIES LITIGATION

Amaranth

Lowey Dannenberg served as co-lead counsel in *In re Amaranth Natural Gas Commodities Litigation*, Master File No. 07 Civ. 6377 (S.D.N.Y.) (SAS) ("*Amaranth*"), a certified CEA class action alleging manipulation of NYMEX natural gas futures contract prices in 2006 by Amaranth LLC, one of the country's largest hedge funds prior to its widely-publicized multi-billion dollar collapse in September 2006. Significant victories Lowey Dannenberg achieved in the *Amaranth* litigation include:

- > On April 27, 2009, Plaintiffs' claims for primary violations and aiding-and-abetting violations of the CEA against Amaranth LLC and other Amaranth defendants were sustained. *Amaranth*, 612 F. Supp. 2d 376 (S.D.N.Y. 2009).
- > On April 30, 2010, the Court granted Plaintiffs' motion for pre-judgment attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure and Section 6201 of the New York Civil Practice Law and Rules against Amaranth LLC, a Cayman Islands company and the "Master Fund" in the Amaranth master-feeder-fund hedge fund family. *Amaranth*, 711 F. Supp. 2d 301 (S.D.N.Y. 2010).
- > On September 27, 2010, the Court granted Plaintiffs' motion for class certification. *Amaranth*, 269 F.R.D. 366 (S.D.N.Y. 2010). In appointing Lowey Dannenberg as co-lead counsel for plaintiffs and the Class, the Court specifically noted "the impressive resume" of Lowey Dannenberg and that "Plaintiffs' counsel has vigorously represented the interests of the class throughout this litigation." On December 30, 2010, the Second Circuit Court of Appeals denied Amaranth's petition for appellate review of the class certification decision.
- > On April 11, 2012, the Court entered a final order and judgment approving the \$77.1 million settlement reached in the action. The \$77.1 million settlement is **more than ten times greater** than the \$7.5 million joint settlement achieved by the Federal Energy Regulatory Commission ("FERC") and the Commodity Futures Trading Commission ("CFTC") against Amaranth Advisors LLC and at that time, represented the **fourth largest** class action recovery in the 85-plus year history of the CEA.

Pacific Inv. Mgmt. Co. ("PIMCO")

Lowey Dannenberg served as counsel to certified class representative Richard Hershey in a class action alleging manipulation by PIMCO of the multi-billion-dollar market of U.S. 10-Year Treasury Note futures contracts traded on the Chicago Board of Trade ("CBOT"). *Hershey v. Pacific Inv. Management Co. LLC*, 571 F.3d 672 (7th Cir. 2009). The case settled in 2011 for \$118.75 million, the **second largest** recovery in the history of the CEA at that time.

Optiver

Lowey Dannenberg acted as co-lead counsel in a proposed class action alleging that Optiver US, LLC and other Optiver defendants manipulated NYMEX light sweet crude oil, heating oil, and gasoline futures contracts prices in violation of the Sherman Antitrust Act and CEA. *In re Optiver Commodities Litigation*, Case No. 08 CV 6842 (S.D.N.Y.) (LAP), Pretrial Order No. 1, dated February 11, 2009. The Honorable Loretta A. Preska of the Southern District of New York granted final approval of a \$16.75 million settlement in June 2015.

White v. Moore Capital Management, L.P.

Lowey Dannenberg acted as counsel to a class representative in an action alleging manipulation of NYMEX palladium and platinum futures prices in 2007 and 2008 in violations of the Sherman Antitrust Act, CEA, and RICO. *White v. Moore Capital Management, L.P.*, Case No. 10 CV 3634 (S.D.N.Y.) (Pauley, J.). Judge William H. Pauley III granted final approval of a settlement in the amount of \$70 million in 2015.

In re Crude Oil Commodity Futures Litigation

Lowey Dannenberg served as counsel to a class representative and large crude oil trader in a Sherman Antitrust Act class action involving the alleged manipulation of NYMEX crude oil futures and options contracts. *In re Crude Oil Commodity Futures Litigation*, Case No. 11-cv-03600 (S.D.N.Y.) (Forrest, J.). The Court granted final approval to a \$16.5 million settlement in January 2016.

COMMODITIES LITIGATION

Kraft Wheat Manipulation

Lowey Dannenberg serves as court-appointed co-lead counsel for a class of wheat futures and options traders pursuing claims against Kraft Foods Group, Inc. and Mondelez Global LLC (collectively, "Kraft"), alleging Kraft manipulated the prices of Chicago Board of Trade wheat futures and options contracts. On June 27, 2016, Judge Edmond E. Chang denied Kraft's motion to dismiss Plaintiffs' CEA, Sherman Act and common law unjust enrichment claims relating to Kraft's alleged "long wheat futures scheme." See *Ploss v. Kraft Foods Grp., Inc.*, 197 F. Supp. 3d 1037 (N.D. Ill. 2016). On January 3, 2020, Judge Chang certified a class of wheat futures and options traders to bring the claims in the case. See *Ploss v. Kraft Foods Grp., Inc.*, 431 F. Supp. 3d 1003 (N.D. Ill. 2020). Kraft filed a petition to the United States Court of Appeals for the Seventh Circuit, seeking permission to immediately appeal Judge Chang's certification of the class, which was denied on February 21, 2020. The case is currently pending before Judge John F. Kness in the Northern District of Illinois.

Lansing Wheat Manipulation

Lowey Dannenberg is serving as co-lead counsel for a class of wheat futures and options traders pursuing claims against Lansing Trade Group, LLC and Cascade Commodity Consulting, LLC, alleging they manipulated the prices of Chicago Board of Trade wheat futures and options contracts in 2015. See *Budicak, et al. v. Lansing Trade Group, LLC, et al.*, No. 19 CV 2499 (JAR) (D. Kan.). On March 25, 2020, Chief District Judge Julie A. Robinson denied Defendants motions to dismiss and sustained claims under the Sherman Act, the CEA, and for unjust enrichment. *Budicak, Inc. v. Lansing Trade Grp., LLC*, No. 2:19-CV-2449-JAR-ADM, 2020 WL 2892860 (D. Kan. Mar. 25, 2020). On April 29, 2022, Plaintiffs filed a motion for preliminary approval of settlements with Lansing Trade Group and Cascade Commodity Consulting totaling \$18 million.

The Andersons Wheat Manipulation

Lowey Dannenberg is leading the prosecution of claims on behalf of a class of wheat futures and options traders against The Andersons, Inc. for alleged manipulation of the wheat futures and options market in the fourth quarter of 2017. On July 9, 2021 and May 3, 2022, respectively, the Court denied Defendants' motions to dismiss in their entirety. *Dennis v. The Andersons Inc.*, Case No. 20-cv-04090 (N.D. Ill.).



SPOOFING LITIGATION

Lowey Dannenberg continues to innovate and is at the forefront of litigation under the CEA arising from claims of market participants spoofing various futures markets.

In re JPMorgan Precious Metals Spoofing Litigation

Lowey Dannenberg serves as Court-appointed sole Lead Counsel in a commodities manipulation class action against JPMorgan and several of its traders, alleging spoofing in the market for precious metals futures and options between 2009 and 2015. Plaintiffs filed a motion for preliminary approval of a \$60 million settlement with Defendant JPMorgan on November 20, 2021. On July 7, 2022, the Court granted final approval of the settlement with JPMorgan. *In re JPMorgan Precious Metals Spoofing Litigation*, No. 18-CV-10356 (S.D.N.Y.).

Boutchard, et al. v. Gandhi, et al. — E-mini Index Futures Spoofing

Lowey Dannenberg is prosecuting claims on behalf of a class of investors that transacted E-mini Index Futures (e.g., Dow, S&P, Nasdaq) and options against Tower Research Capital LLC and several of its traders for alleged spoofing violations between 2012 and 2014. On July 30, 2021, Judge John J. Tharp, Jr. granted final approval of a \$15 million settlement with Tower. *Boutchard v. Gandhi et al.*, No. 18-CV-07041 (N.D. Ill.).

JPMorgan Treasuries Spoofing

On October 9, 2020, the Court appointed Lowey Dannenberg to serve as Interim Co-Lead Counsel in a commodities manipulation class action against JPMorgan, alleging manipulation in the market for U.S. Treasuries futures and options between 2009 and the present. On September 22, 2021, Plaintiffs filed a motion for preliminary approval of a \$15.7 million settlement. On June 3, 2022, the Court granted final approval of the settlement with JPMorgan. *In re JPMorgan Treasuries Spoofing Litigation*, No. 20-CV-3515 (S.D.N.Y.).

Deutsche Treasury and Eurodollar Spoofing

On September 1, 2020, Lowey Dannenberg was appointed Interim Co-Lead Counsel in a commodities manipulation class action against Deutsche Bank, alleging manipulation in the market for U.S. Treasury and Eurodollar futures and options throughout 2013. The case is pending before Judge Joan B. Gottschall in the Northern District of Illinois, *Rock Capital Markets, LLC v. Deutsche Bank Securities Inc.*, No. 20-CV-3638.

In re NatWest Treasury Futures Spoofing Litigation

On March 8, 2022, Lowey Dannenberg was appointed Interim Co-Lead Counsel in a commodities manipulation class action against NatWest, alleging manipulation in the market for U.S. Treasury futures and options from at least January 1, 2008 through May 31, 2014. The case is pending before The Honorable John F. Kness in the Northern District of Illinois, *In re NatWest Treasury Futures Spoofing Litigation*, No. 21-CV-6816.

Healthcare: Prescription Overcharge Antitrust Litigation

Lowey Dannenberg is the nation's premier pharmaceutical recovery law firm. It is known in the healthcare industry for its market-leading initiatives, depth of experience, and consistent results. The Firm's advice is valued by the largest health benefits companies in the United States, including Aetna CVS, Anthem, the Blue Cross and Blue Shield Association, Cigna, HCSC, Humana, and numerous other companies. Lowey Dannenberg's expertise was highlighted when Aetna and Humana each identified Lowey as a "Go-to Law Firm" for litigation services Corporate Counsel magazine's "In House Law Departments at the Top 500 Companies."

Health insurers routinely turn to Lowey Dannenberg for its industry expertise, particularly in the areas of:

- > **Defective Drugs and Products** – Litigating on behalf of insurers to recover overpayments for defective drugs and medical products, including those manufactured in violation of FDA standards
- > **Prescription Drug and Device Price Manipulation** – Recovering overcharges from prescription drug and medical device price manipulation, including "generic delay" cases, price fixing, and "off-label" marketing
- > **Lien Recovery** – Prosecuting and negotiating medical lien reimbursements in mass tort litigation
- > **Class Action Defense** – Representing health insurers facing class actions in state and federal courts

Drugs Failing to Meet FDA's Manufacturing Standards

- > **Blue Cross Blue Shield Ass'n, et al. v. GlaxoSmithKline LLC.** Lowey Dannenberg and its co-counsel represented 39 health insurers (accounting for 60% of the U.S. market for non-governmental health insurance) in a novel recovery action seeking billions in damages against British drug maker GlaxoSmithKline for selling prescription drugs manufactured under conditions that amounted to egregious violations of federal standards. After defeating summary judgment (*Blue Cross Blue Shield Ass'n v. GlaxoSmithKline LLC*, 417 F. Supp. 3d 531 (E.D. Pa. 2019)), the parties confidentially settled on the literal eve of trial.
- > **Rezulin Litigation.** Lowey Dannenberg, representing a class of endpayers, made law that has influenced every third party payer prescription drug case since. Louisiana BlueCross BlueShield ("LABCBS"),

sued Warner Lambert and Pfizer for alleged misrepresentations about the qualities of their antidiabetic medication, Rezulin, injuring LABCBS in excessive purchases of the drug. Lowey successfully argued to reverse dismissal of LABCBS' class action in a precedent-setting appeal to the Second Circuit. This case established the direct rights (as contrasted with derivative, and more limited, subrogation rights) of third-party payers to sue pharmaceutical manufacturers for drug overcharges for defective drugs. *Desiano v. Warner-Lambert Co.*, 326 F.3d 339 (2d Cir. 2003).

"Pay-for-Delay" Antitrust Claims

- > **Aggrenox Generic Delay Litigation:** Lowey Dannenberg represented Humana and 10 other health insurers in a generic delay antitrust case against defendant Boehringer Ingelheim Pharmaceuticals, Inc., the Aggrenox brand manufacturer, and generic manufacturer Barr Pharmaceuticals Inc. (later acquired by Teva Pharmaceuticals), before Judge Stefan R. Underhill in the District of Connecticut in connection with their antitrust claims. Class actions on behalf of direct purchasers reached a \$146 million settlement and indirect purchasers reached a \$54 million settlement. The litigation asserted claims under state antitrust law, claiming a \$100 million co-promotion agreement was a disguised pay-for-delay, and as a result, insurers overpaid for Aggrenox. Lowey achieved confidential settlements on behalf of Humana and several other health insurers who opted-out of the class to separately litigate their claims. *Humana Inc. v. Boehringer Ingelheim Pharma GmbH & Co. KG, et al.*, No. 3:14-cv-00572 (D. Conn.).

HEALTHCARE: PRESCRIPTION OVERCHARGE ANTITRUST LITIGATION

- > **Lidoderm Generic Delay Litigation:** Lowey Dannenberg represented 21 health insurers in connection with their antitrust claims against sellers of branded and generic Lidoderm. *Government Employees Health Association v. Endo Pharmaceuticals, Inc., et al.*, No. 3:14-cv-02180-WHO (N.D. Cal.).
- > **Hytrin Generic Delay Litigation:** Lowey Dannenberg represented a class of health insurers asserting antitrust claims against Abbott Laboratories and Geneva Pharmaceuticals, sellers of branded and generic Hytrin, and ultimately settled the case for \$28.7 million. *In re Terazosin Hydrochloride Antitrust Litig.*, No. 1:99-MD-01317 (S.D. Fl.).
- > **Cardizem CD Generic Delay Litigation:** In 1998, Lowey Dannenberg filed the first-ever generic delay class action antitrust cases for endpayers (a term reflecting consumers and health insurers). Those cases were centralized by the Judicial Panel on Multidistrict Litigation ("JPML") under the caption *In re Cardizem CD Antitrust Litigation*, MDL No. 1278 (E.D. Mich.). After the court certified a class (200 F.R.D. 326 (E.D. Mich. 2001)) and affirmed partial summary judgment for plaintiffs (332 F.3d 896 (6th Cir. 2003)), the case was settled for \$80 million.
- > **Federal Trade Commission v. Actavis, 570 U.S. 756 (2013).** America's Health Insurance Plans (AHIP), the national trade association representing health insurers, retained Lowey Dannenberg to represent it before the United States Supreme Court as *amicus curiae* in a seminal "pay-for-delay" pharmaceutical case. *Federal Trade Commission v. Actavis*, 570 U.S. 756 (2013).

Price Fixing of Pharmaceutical Drugs

- > **Generic Pharmaceuticals Price Fixing.** Lowey Dannenberg represents 39 of the nation's largest health insurers, including Anthem, Aetna, Humana, and 23 BlueCross BlueShield licensees in connection with their claims relating to widespread price-fixing of generic pharmaceutical products. Lowey Dannenberg's clients collectively purchased billions of dollars of these drugs during the alleged price-fixing conspiracies. Some of this litigation has been centralized before the Honorable Cynthia M. Rufe in *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.).

Deceptive Marketing Claims

- > ***In re Neurontin Marketing and Sales Practices Litig.*** Lowey represented Aetna in an individual action seeking recovery against Pfizer for its off-label marketing of Neurontin and served as class counsel on the Plaintiffs' Steering Committee. The firm secured the first-ever verdict in history against a pharmaceutical manufacturer finding it engaged in a RICO enterprise by fraudulently marketing its drug, resulting in a \$142 million trebled award. This pivotal decision reversed a negative trend in off-label drug marketing cases. The Court's conclusion that "Aetna's economic injury was a foreseeable and natural consequence" of Pfizer's scheme represents a common-sense application of the law to the economic realities of the prescription drug market.

Lowey later argued and won a landmark RICO decision in the United States Court of Appeals for the First Circuit, holding drug manufacturers accountable to health insurers for damages attributable to marketing fraud. *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 51 (1st Cir. 2013).
- > ***Warfarin Sodium Antitrust Litig.*** Lowey Dannenberg represented health insurers asserting antitrust and unfair trade practices claims against DuPont Pharmaceuticals Company. *In re Warfarin Sodium Antitrust Litigation*, 391 F.3d 516 (3rd Cir. 2004).

Class Action Defense/Lien Recovery Cases

- > Lowey Dannenberg secured judgments dismissing the class action lawsuits, which sought to apply New York State's anti-subrogation law to void health insurance plans' subrogation and reimbursement rights in New York. *Meek-Horton v. Trover, et al.*, 910 F. Supp. 2d 690 (S.D.N.Y. 2013); *Potts v. Rawlings Co. LLC*, 897 F. Supp. 2d 185 (S.D.N.Y. 2012).
- > Lowey Dannenberg defended Aetna and secured judgments dismissing the class action lawsuits seeking to bar certain reimbursement lien recoveries under New Jersey law. *Minerley v. Aetna, Inc.*, No. 13-cv-1377, 2019 WL 2635991 (D.N.J. June 27, 2019), *aff'd*, No. 19-2730, 2020 WL 734448 (3d Cir. Feb. 13, 2020) and *Roche v. Aetna, Inc.*, 165 F. Supp. 3d 180 (D.N.J. 2016), *aff'd*, 681 F. App'x 117 (3d Cir. 2017).
- > Lowey Dannenberg successfully established Medicare Advantage Organizations' reimbursement recovery rights under the Medicare Secondary Payer Act. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 685 F.3d 353, 367 (3d Cir. 2012).



Securities Litigation

Lowey Dannenberg has represented clients in cases involving financial fraud, auction rate securities, options backdating, Ponzi schemes, challenges to unfair mergers and tender offers, statutory appraisal proceedings, proxy contests and election irregularities, failed corporate governance, stockholder agreement disputes, and customer/brokerage firm arbitration proceedings.

Lowey securities litigation practice has recovered billions of dollars on behalf of defrauded investors. The firm has also achieved landmark, long term corporate governance changes at public companies, including reversing results of elections and returning corporate control to the companies' rightful owners, its stockholders.

Lowey Dannenberg's public pension fund clients include the California State Teachers' Retirement System (CalSTRS), the New York State Common Retirement Fund, the State of Connecticut Retirement Plans and Trust Funds, the Treasurer of the Commonwealth of Pennsylvania, and the Pennsylvania Treasury Department. Representative institutional investor clients include Federated Investors, Inc., Glickenhau & Co., Millennium Partners LLP, Karpus Investment Management LLP, Amegy Bank, Monster Worldwide Inc., Zebra Technologies, Inc., and Delcath Systems, Inc.

Active Securities Cases

Jedrzejczyk v. Skillz Inc.

Lowey Dannenberg currently serves as Lead Counsel for a proposed class of investors alleging that Skillz misled investors by (1) reporting metrics unrelated to the company's performance instead of disclosing its true key metrics, including revenue per paying user; (2) touting a synchronous gameplay feature and an expansion into India that could not be accomplished on the company's announced timelines; and (3) misclassifying liabilities as equity. The case is pending before Judge Richard Seeborg in the Northern District of California. *Jedrzejczyk v. Skillz Inc.*, No. 3:21-CV-03450-RS (N.D. Cal.).

Corporation in 2019. On September 30, 2021, Judge Paul Oetken in the Southern District of New York sustained Plaintiff's securities fraud claims, finding that "Plaintiff sufficiently pleaded facts supporting his contention that Kirkland materially misled investors" when discussing the company's acquisition strategy. *In re Kirkland Lake Gold Ltd. Sec. Litig.*, No. 20-cv-4953 (JPO), 2021 WL 4482151 (S.D.N.Y. Sept. 30, 2021).

Vega v. Energy Transfer LP

In June 2022, Lowey filed its most recent class action lawsuit against Energy Transfer LP, alleging that Energy Transfer made materially false and misleading statements related to an investigation by the Federal Energy Regulatory Commission ("FERC") into a drilling incident that caused a severe environmental disaster near the Tuscarawas River in Ohio. The case is currently pending before Judge Hellerstein in the Southern District of New York. *Vega v. Energy Transfer LP*, 22-CV-04614 (S.D.N.Y.).

In Re: Kirkland Lake Gold LTD Securities Litigation

Lowey Dannenberg serves as sole Lead Counsel representing a proposed class of shareholders against Toronto-based gold-mining company Kirkland Lake Gold Ltd. (now merged with Agnico Eagle Mines Ltd. as of February 2022). Plaintiffs allege that the company misled investors when its CEO Anthony Makuch repeatedly downplayed the possibility that the company would engage in any mergers or acquisitions, while simultaneously negotiating the acquisition of Detour Gold

SECURITIES LITIGATION

Said-Ibrahim et al v. FuboTV Inc. et al

Lowey Dannenberg serves as a court-appointed lead counsel in *Said-Ibrahim et al v. FuboTV Inc. et al*, No. 1:21-CV-01412 (S.D.N.Y.). The case is currently pending before Judge Andrew L. Carter, Jr., and is at the motion to dismiss stage. The securities lawsuit alleges FuboTV's false and misleading statements concerning their business operations and performance metrics, including, among others, its ability to grow subscription and advertising revenue, cost escalations and its prospects of entering the arena of online sports wagering. *Said-Ibrahim et al v. FuboTV Inc. et al*, 1:21-CV-01412 (S.D.N.Y.).

United Industrial Workers Pension Plan v. Waste Management, Inc., et al.

Lowey Dannenberg filed a class action lawsuit against Waste Management Inc. alleging that the company and its senior executives made false and misleading statements to investors regarding its anticipated merger with Advance Disposal Services ("ADS"). More specifically, plaintiff alleges that Waste Management failed to disclose that the U.S. Department of Justice had indicated to Waste Management that it would require the company to divest assets in excess of the \$200 million Antitrust Revenue Threshold contained in the Merger Agreement in order to obtain antitrust clearance. As a result, the merger would not be completed by the end date under the Merger Agreement as Waste Management represented, which would trigger the mandatory redemption of the redeemable senior notes issued to finance the merger, to the financial detriment of investors who purchased the notes at inflated prices between February 13, 2020 and June 23, 2020, inclusive. *United Industrial Workers Pension Plan v. Waste Management, Inc., et al.*, No. 22-CV-04838 (S.D.N.Y.).

Boykin v. K12, Inc.

Lowey Dannenberg filed and is currently litigating a class action alleging that K12, an education company, misled the investing public by claiming it was well-positioned to take advantage of the sudden demand for online education caused by the onset of the COVID-19 pandemic, when K12 lacked the technological, administrative, and cybersecurity abilities to take on a large number of new customers while providing adequate training and a

functional product. The case is currently pending before the United States Court of Appeals for the Fourth Circuit. *Boykin v. K12, Inc.*, No. 21-2351 (4th Cir.).

Notable Recoveries

Notable achievements for our securities clients include the following:

- > *Norfolk County Retirement System v. Community Health Systems, Inc., et al.* 11-cv-0433 (M.D. Tenn.). Lowey Dannenberg recovered \$53 million on behalf of Lead Plaintiff, the New York City Pension Funds, and the certified class of investors in Community Health System common stock. As Lead Counsel in this hard-fought and long-standing securities class action, Lowey Dannenberg charged Community Health Systems, one of the largest for-profit hospital systems in the United States, with failing to disclose that its highly-touted growth and performance were achieved through a scheme to improperly inflate Medicare patient admissions.

U.S. District Judge Eli J. Richardson addressed Lowey Dannenberg's efforts at the final approval hearing finding that "*counsel for plaintiff has been diligent, very diligent, has worked very hard, knows the case, knows the facts, is very experienced in these sorts of securities fraud class actions, and has gone to the mat for their client for many years.*" During the litigation, Lowey Dannenberg achieved a unanimous reversal of the lower court's dismissal of the case before the Sixth Circuit Court of Appeals and successfully opposed Supreme Court review. *Norfolk Cty. Ret. Sys. v. Community Health Sys., Inc.*, 877 F.3d 687 (6th Cir. 2017), cert. denied 139 S. Ct. 310 (2018). Following extensive discovery, the court preliminarily approved the settlement in January 2020, which the Court approved and made final on June 19, 2020.

- > *In re Beacon Associates Litigation*, 09-CV-0777 (S.D.N.Y.); *In re J.P. Jeanneret Associates, Inc., et al.*, 09-cv-3907 (S.D.N.Y.). Lowey Dannenberg represented several unions, which served as Lead Plaintiffs, in litigation arising from Bernie Madoff's Ponzi scheme. On March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the \$219.9 million settlement of Madoff feeder-fund litigation encompassing the *In re Beacon* and *In re Jeanneret* class actions. Lowey Dannenberg, as Liaison Counsel, was instrumental in achieving this outstanding

SECURITIES LITIGATION

- result. The settlement covered several additional lawsuits in federal and New York state courts against the settling defendants, including suits brought by the United States Secretary of Labor and the New York Attorney General. Plaintiffs in these cases asserted claims under the federal securities laws, ERISA, and state laws arising out of hundreds of millions of dollars of losses sustained by unions and other investors in Bernard Madoff feeder funds. The settlement recovered an extraordinary 70% of investors' losses. This settlement, combined with anticipated recovery from a separate liquidation of Madoff assets, is expected to restore the bulk of losses to the pension funds for the local unions and other class members. In granting final approval, Judge McMahon praised both the result and the lawyering in these coordinated actions, noting that "[i]n the history of the world there has never been such a response to a notice of a class action settlement that I am aware of, certainly, not in my experience," and that "[t]he settlement process really was quite extraordinary." In her written opinion, Judge McMahon stated that "[t]he quality of representation is not questioned here, especially for those attorneys (principally from Lowey Dannenberg) who worked so hard to achieve this creative and, in my experience, unprecedented global settlement." *In re Beacon Associates Litig.*, 09 CIV. 777 CM, 2013 WL 2450960, at *14 (S.D.N.Y. May 9, 2013).
- > *In re Juniper Networks, Inc. Sec. Litig.*, No. C-06-04327 JW (N.D. Cal.). In 2010, as lead counsel for the Lead Plaintiff, the New York City Pension Funds, Lowey Dannenberg achieved a settlement in the amount of \$169.5 million, one of the largest settlements in an options backdating case, after more than three years of hard-fought litigation.
 - > *In re ACS Shareholder Litigation*, Consolidated C.A. No. 4940-VCP (Del. Ch.). Lowey Dannenberg successfully challenged a multi-billion-dollar merger between Xerox Corp. and Affiliated Computer Systems ("ACS"), which favored Affiliated's CEO at the expense of our client, Federated Investors, and other ACS shareholders. In expedited proceedings, Lowey achieved a \$69 million settlement as well as structural protections in the shareholder vote on the merger. The settlement was approved in 2010.
 - > *In re Bayer AG Securities Litigation*, 03 Civ. 1546 (WHP) (S.D.N.Y.). We represented the New York State Common Retirement Fund as Lead Plaintiff in a securities fraud class action arising from Bayer's marketing and recall of its Baycol drug. Lowey Dannenberg was appointed as lead counsel for the New York State Common Retirement Fund at the inception of merits discovery, following the dismissal of the New York State Common Retirement Fund's former counsel. The class action settled for \$18.5 million in 2008.
 - > *In re WorldCom Securities Litigation*, Master File No. 02 Civ. 3288 (DLC) (S.D.N.Y.). Lowey Dannenberg's innovative strategy and zealous prosecution produced an extraordinary recovery in the fall of 2005 for the New York City Pension Funds in the *WorldCom Securities Litigation*, substantially superior to that of any other WorldCom investor in either class or opt-out litigation. Following our advice to opt out of a class action in order to litigate their claims separately, the New York City Pension Funds recovered almost \$79 million, including 100% of their damages resulting from investments in WorldCom bonds.
 - > *Federated American Leaders Fund, Inc.*, No. 08-cv-01337-PB (D.N.H.). In 2008, Lowey Dannenberg successfully litigated an opt-out case on behalf of client Federated Investors, Inc., arising out of the *Tyco Securities Litigation*. The client asserted claims unavailable to the class (including a claim for violation of § 18 of the Securities Exchange Act of 1934 and a claim for violations of the New Jersey RICO statute). Pursuit of an opt-out strategy resulted in a recovery of substantially more than the client would have received had it merely remained passive and participated in the class action settlement.

SECURITIES LITIGATION

- > *In re Philip Services Corp., Securities Litigation*, No. 98 Civ. 835 (AKH) (S.D.N.Y.). On March 19, 2007, the United States District Court for the Southern District of New York approved a \$79.75 million settlement of a class action, in which Lowey Dannenberg acted as Co-Lead Counsel, on behalf of United States investors of Philip Services Corp., a bankrupt Canadian resource recovery company. \$50.5 million of the settlement was paid by the Canadian accounting firm of Deloitte & Touche, LLP, perhaps the largest recovery from a Canadian auditing firm in a securities class action, and among the largest obtained from any accounting firm. Earlier in the litigation, the United States Court of Appeals for the Second Circuit issued a landmark decision protecting the rights of United States citizens to sue foreign companies who fraudulently sell their securities in the United States. *DiRienzo v. Philip Services Corp.*, 294 F.3d 21 (2d Cir. 2002).
- > *In re New York Stock Exchange/Archipelago Merger Litigation*, No. 601646/05 (N.Y. Sup. Ct.). Lowey Dannenberg acted as co-lead counsel for a class of seatholders seeking to enjoin the merger between the New York Stock Exchange ("NYSE") and Archipelago Holdings, Inc. As a result of the action, the merger terms were revised, providing the seatholders with more than \$250 million in additional consideration. Further, the NYSE agreed to retain an independent financial adviser to report to the court as to the fairness of the deal to the NYSE seatholders. Plaintiffs also provided the court with their expert's analysis of the new independent financial adviser's report so that seatholders could assess both reports prior to the merger vote. The court noted that "these competing presentations provide a fair and balanced view of the proposed merger and present the NYSE Seatholders with an opportunity to exercise their own business judgment with eyes wide open. The presentation of such differing viewpoints ensures transparency and complete disclosure." *In re New York Stock Exchange/ Archipelago Merger Litigation*, No. 601646/05, 2005 WL 4279476, at *14 (N.Y. Sup. Ct. Dec. 5, 2005).
- > *Delcath Systems, Inc. v. Ladd, et al.*, No. 06 Civ. 6420 (S.D.N.Y.). On September 25, 2006, Lowey Dannenberg helped Laddcap Value Partners win an emergency appeal, reversing a federal district court's order disqualifying the votes Laddcap solicited to replace the board of directors of Delcath Systems, Inc. Prior to Lowey Dannenberg's involvement in the case, on September 20, 2006, the district court enjoined Laddcap, Delcath's largest stockholder, from submitting stockholder consents on the grounds of alleged and unproven violations of federal securities law. After losing an injunction proceeding in the district court on September 20, 2006, and with the election scheduled to close on September 25, 2006, Laddcap hired Lowey Dannenberg to prosecute an emergency appeal, which Lowey won on September 25, 2006, the last day of the election period. *Delcath Systems, Inc. v. Ladd*, 466 F.3d 257 (2d Cir. 2006). Shortly thereafter, the case settled with Laddcap gaining seats on the board, reimbursement of expenses, and other benefits.
- > *Salomon Brothers Municipal Partners Fund, Inc. v. Thornton*, No. 05-cv-10763 (S.D.N.Y.). Lowey Dannenberg represented Karpus Investment Management in its successful proxy contest and subsequent litigation to prevent the transfer of management by Citigroup to Legg Mason of the Salomon Brothers Municipal Partners Fund. We defeated the Fund's preliminary injunction action which sought to compel Karpus to vote shares it had solicited by proxy but withheld from voting in order to defeat a quorum and prevent approval of the transfer. *Salomon Brothers Mun. Partners Fund, Inc. v. Thornton*, 410 F. Supp. 2d 330 (S.D.N.Y. 2006).
- > *In re DaimlerChrysler AG Sec. Litigation*, Master Docket No. 00-993-JJF (D. Del.). Lowey Dannenberg represented Glickenhau & Co., a major registered investment advisor and, at the time, the second largest stockholder of Chrysler, in an individual securities lawsuit against DaimlerChrysler AG. Successful implementation of the firm's opt-out strategy led to a recovery for its clients far in excess of that received by other class members. *See Tracinda Corp. v. DaimlerChrysler AG*, 197 F. Supp. 2d 42 (D. Del. 2002); *In re DaimlerChrysler AG Sec. Litig.*, 269 F. Supp. 2d 508 (D. Del. 2003).

SECURITIES LITIGATION

- > *Doft & Co. v. Travelocity.com, Inc.*, No. Civ. A. 19734 (Del. Ch.). Following a three-day bench trial in a statutory appraisal proceeding, the Delaware Chancery Court awarded the firm's clients, an institutional investor and investment advisor, \$30.43 per share plus compounded prejudgment interest, for a transaction in which the public shareholders who did not seek appraisal were cashed out at \$28 per share. *Doft & Co. v. Travelocity.com, Inc.*, No. Civ. A. 19734, 2004 WL 1152338 (Del. Ch. May 20, 2004), *modified*, 2004 WL 1366994 (Del. Ch. June 10, 2004).
- > *MMI Investments, LP v. NDCHealth Corp., et al.*, 05 Civ. 4566 (S.D.N.Y.). Lowey Dannenberg filed an individual action on behalf of hedge fund, MMI Investments, asserting claims for violations of the federal securities laws and the common law, including claims not available to the class, most notably a claim for violation of § 18 of the Securities Exchange Act of 1934 and a claim for common law fraud. After zealously litigating the client's claims, the Firm obtained a substantial settlement, notwithstanding the fact that the class claims were dismissed.
- > *Omnicare, Inc. v. NCS Healthcare, Inc.* Lowey Dannenberg, as Co-Lead Counsel on behalf of an institutional investor, obtained an injunction from the Delaware Supreme Court, enjoining a proposed merger between NCS Healthcare, Inc. and Genesis Health Ventures, Inc., in response to Lowey Dannenberg's argument that the NCS board breached its fiduciary obligations by agreeing to irrevocable merger lock-up provisions. As a result of the injunction, the NCS shareholders were able to benefit from a competing takeover proposal by Omnicare, Inc., a 300% increase from the enjoined transaction, providing NCS's shareholders with an additional \$99 million. *Omnicare, Inc. v. NCS Healthcare, Inc.*, 818 A.2d 914 (Del. 2003).
- > *meVC Draper Fisher Jurvetson Fund 1, Inc. v. Millennium Partners*. Lowey Dannenberg successfully represented an affiliate of Millennium Partners, a major private investment fund, in litigation in the Delaware Chancery Court over a board election. Lowey's efforts resulted in the voiding of two elections of directors of meVC Draper Fisher Jurvetson Fund 1, Inc., a NYSE-listed closed end mutual fund, on grounds of breach of fiduciary duty. In a subsequent proxy contest litigation in the United States District Court for the Southern District of New York, the entire board of directors was ultimately replaced with Millennium's slate. *meVC Draper Fisher Jurvetson Fund 1, Inc. v. Millennium Partners*, 260 F. Supp. 2d 616 (S.D.N.Y. 2003); *Millenco L.P. v. meVC Draper Fisher Jurvetson Fund 1, Inc.*, 824 A.2d 11 (Del. Ch. 2002).
- > *In re CINAR Securities Litigation*, Master File No. 00 CV 1086 (E.D.N.Y. Dec. 2, 2002). Lowey Dannenberg acted as Lead Counsel, obtaining a \$27.25 million settlement on behalf of client the Federated Kaufmann Fund and a class of purchasers of securities of CINAR Corporation. The court found that "the quality of [Lowey Dannenberg's] representation has been excellent."
- > *In re Reliance Securities Litigation*, MDL No. 1304 (D. Del. 2002). In proceedings in which Lowey Dannenberg acted as co-counsel to a Bankruptcy Court-appointed estate representative, the firm obtained recoveries in a fraudulent conveyance action totaling \$106 million.

Consumer Protection

Lowey Dannenberg has served as lead or co-lead counsel in many challenging consumer protection cases. The firm has recovered millions of dollars on behalf of consumers injured as a result of unfair business practices. The firm's Consumer Protection Group has experience litigating class actions under state and federal consumer protection law and before state and federal courts.

In re FedLoan Student Loan Servicing Litigation

Attorneys from Lowey Dannenberg were appointed by Judge C. Darnell Jones, II as Co-Lead Counsel and Executive Committee members in *In re FedLoan Student Loan Servicing Litigation*, No. 18-MD-2833 (E.D. Pa.) ("*FedLoan*"). Lowey Dannenberg filed the first action in the *FedLoan* litigation alleging that one of the nation's largest student loan servicers, the Pennsylvania Higher Education Assistance Agency, failed to properly service student loans in order to maximize the fees it received from the Department of Education under its loan servicing contract. Lowey Dannenberg also brought claims against the U.S. Department of Education for failing to comply with the Higher Education Act and its own regulations and rules. The alleged scheme harmed student loan borrowers by causing them to accrue additional interest on their loans, improperly extending their repayment terms, and erroneously placing their loans into forbearance. The litigation is ongoing.

Broder v. MBNA Corp.

Lowey Dannenberg served as Lead Counsel in *Broder v. MBNA Corp.*, No. 605153/98 (Sup. Ct., N.Y. County), and recovered \$22.8 million dollars on behalf of a class of holders of credit cards issued by MBNA Bank, who took cash advances in response to a deceptive MBNA promotion. The Court noted that Lowey Dannenberg is an "able law firm having long-standing experience in commercial class action litigation."

In Re Archstone Westbury Tenant Litigation

As lead counsel, Lowey Dannenberg successfully represented a class of renters of mold-infested apartments in a \$6.3 million settlement of a complex

landlord-tenant class action in *In Re Archstone Westbury Tenant Litigation*, Index No. 21135/07 (N.Y. Sup. Ct. Nassau County).

Lyons v. Litton Loan Servicing LP

In *Lyons v. Litton Loan Servicing LP, et al.*, No. 13-cv-00513 (S.D.N.Y.), Lowey Dannenberg served as Class Counsel and recovered \$4.1 million on behalf of a class of homeowners alleging that mortgage servicers colluded to force them to buy unnecessary lender-placed insurance.

In re Warfarin Sodium Antitrust Litigation

In *In re Warfarin Sodium Antitrust Litigation*, 391 F.3d 516 (3rd Cir. 2004), the Third Circuit Court of Appeals affirmed the United States District Court for the District of Delaware's approval of a \$44.5 million class action settlement paid by DuPont Pharmaceuticals to consumers and third-party payers nationwide to settle claims of unfair marketing practices in connection with the prescription blood thinner, Coumadin. Lowey Dannenberg, appointed by the District Court to the Plaintiffs' executive committee as the representative of third-party payers, successfully argued the appeal.

Snyder v. Nationwide Insurance Company

In *Snyder v. Nationwide Insurance Company*, Index No. 97/0633 (Sup. Ct. Onondaga Co. December 17, 1998), Lowey Dannenberg, as co-lead counsel, secured a \$100 million dollar settlement for consumers purchasing "vanishing premium" life insurance policies. In approving the settlement, the Court found that the attorneys of Lowey Dannenberg are "great attorneys" who did a "very, very good job" for the class.

Data Breach Class Actions

Lowey Dannenberg represents both consumers and financial institutions in some of the largest data breach class actions this year, including those affecting tens of millions of customers across the hospitality, healthcare, and retail industries.

Barr v. Drizly, LLC, Case No. 20-CV-11492 (D. Mass.)

Lowey Dannenberg served as court-appointed class counsel on behalf of millions of consumers impacted by a data breach at one of the largest alcohol delivery companies, Drizly LLC ("Drizly"). On March 30, 2021, U.S. District Judge Leo T. Sorokin granted preliminary approval of a settlement in which Drizly agreed to pay a total of no less than \$1,050,000 and no more than \$3,150,000, and issue service credits up to \$447,750. Drizly also agreed to implement and maintain sufficient data security measures to prevent future data breaches. On November 22, 2021, the Court granted final approval of the settlement. As a result of Lowey Dannenberg's robust notice program, Drizly paid the maximum amount under the terms of the settlement.

In re Wawa, Inc. Data Security Litigation, No. 19-cv-06019 (E.D. Pa.)

Lowey Dannenberg serves as co-lead counsel in a class action against Wawa, Inc. ("Wawa") on behalf of a class of financial institutions affected by Wawa's failure to properly secure their card processing system. As a result of Wawa's conduct, unauthorized third parties were able to gain access to customers' payment card information for over nine months. The data breach is estimated to have impacted more than 30 million individuals at 850 locations. Judge Gene E.K. Pratter of the U.S. District Court for the Eastern District of Pennsylvania sustained several of Plaintiffs' claims, including negligence and injunctive relief.

In re Rutter's Inc. Data Security Breach Litigation, No. 20-cv-00382 (M.D. Pa.)

Lowey Dannenberg is serving as co-lead class counsel in a class action on behalf of consumers against Rutter's Holdings, Inc. ("Rutter's"). The action arises out of Rutter's failure to secure its point-of-sale system, which allowed hackers to compromise customers' payment card information. The breach is estimated to have lasted approximately eight months.

Chief Judge John E. Jones, III of the U.S. District Court for the Middle District of Pennsylvania sustained several of Plaintiffs' key claims, including negligence, breach of implied contract, and unjust enrichment. During discovery, Lowey Dannenberg successfully argued that Rutter's must turn over investigative reports prepared by third party consultants, which Rutter's argued were protected by the attorney-client privilege and work product doctrine.

Hozza v. PrimoHoagies Franchising, Inc., No. 20-cv-04966 (D.N.J.)

Lowey Dannenberg recently settled a class action against PrimoHoagies Franchising, Inc. ("PrimoHoagies") arising out of the company's deficient data security that exposed consumers' personal data, including credit card information. The data breach is estimated to have lasted seven months, impacting dozens of locations across seven states.

In re USAA Data Security Litigation, No. 21-cv-05813 (S.D.N.Y.)

On November 17, 2021, Judge Vincent L. Briccetti appointed Lowey Dannenberg as co-lead counsel representing a proposed class of consumer plaintiffs. The case alleges that United Services Automobile Association ("USAA") allowed unauthorized third parties to intentionally target and improperly obtain Plaintiffs' and class members' personally identifiable information, including Driver's License numbers, through the use of USAA's online insurance quote and/or policy process.

Privacy Class Actions

Lowey Dannenberg is at the forefront of some of the most high-profile and largest privacy cases in the country, including those involving new and emerging technology.

In re Google Assistant Privacy Litigation, No. 19-cv-04286 (N.D. Cal.)

Lowey Dannenberg serves as co-lead class counsel in one of the largest privacy cases in the country, representing a class of consumers against tech giant Google. Plaintiffs' claims arise out of Google's unlawful and intentional recording of Plaintiffs' and class members' confidential communications without their consent through its Google Assistant software. Lowey Dannenberg has successfully defeated several rounds of motion to dismiss briefing over two years of litigation.

Lopez v. Apple, Inc., No. 19-cv-04577 (N.D. Cal.)

Similar to the case above, Lowey Dannenberg serves as co-lead class counsel in a class action on behalf of consumers alleging that Apple unlawfully and intentionally recorded Plaintiffs' and class members' confidential communications without their consent through its Siri-enabled devices. On September 2, 2021, Judge Jeffrey S. White of the Northern District of California credited Plaintiffs' well-pled allegations in sustaining several of Plaintiffs' claims, including those under the Federal Wiretap Act, the California Invasion of Privacy Act, and the California Constitution.

In re Apple Processor Litigation, No. 18-cv-00147 (N.D. Cal.)

Lowey Dannenberg currently serves as co-lead class counsel in a proposed class action against Apple alleging that Plaintiffs and the class were harmed by Apple's failure to disclose defects in its central processing units

(CPUs) that Apple designed and placed in millions of its devices, which exposed users' sensitive personal information to unauthorized third parties. After dismissal for lack of standing, Lowey Dannenberg led the appellate efforts before the U.S. Court of Appeals for the Ninth Circuit who ultimately vacated the District Court's decision and remanded for further proceedings.

Frasco v. Flo Health, Inc., No. 21-cv-00757 (N.D. Cal.)

Lowey Dannenberg serves as court appointed co-lead counsel in a class action against Flo Health, Inc. ("Flo"), Google, LLC, Facebook, Inc., AppsFlyer, Inc. and Flurry, Inc. Plaintiffs represent a class of consumers alleging that Flo collected and disclosed their intimate health data to some of the largest data analytics and advertising companies in the world. Plaintiffs allege claims for invasion of privacy, breach of contract, and violation of the Federal Wiretap Act, among others.

Wesch v. Yodlee, Inc., No. 20-cv-05991 (N.D. Cal.)

Lowey Dannenberg is leading the prosecution against Yodlee, Inc., one of the largest data and analytics companies in the world. Lowey Dannenberg represents a class of consumers whose financial data Yodlee, Inc. surreptitiously collected and sold without consent through software incorporated in third party applications. Lowey Dannenberg has successfully defeated two rounds of motion to dismiss briefing, leaving intact claims for invasion of privacy, fraudulent deceit, and violation of California's Anti-Phishing Act, among others.

Lowey Dannenberg's Recognized Expertise

Courts have repeatedly recognized the attorneys of Lowey Dannenberg as expert practitioners in the field of complex litigation.

For example, on March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the \$219 million settlement of Madoff feeder-fund litigation encompassing the *In re Beacon* and *In re Jeanneret* class actions. In a subsequent written decision, with glowing praise, Judge McMahon stated:

- > "The quality of representation is not questioned here, especially for those attorneys (principally from Lowey Dannenberg) who worked so hard to achieve this creative and, in my experience, unprecedented global settlement."
- > "I thank everyone for the amazing work that you did in resolving these matters. **Your clients—all of them—have been well served.**"
- > "Not a single voice has been raised in opposition to this remarkable settlement, or to the Plan of Allocation that was negotiated by and between the Private Plaintiffs, the NYAG and the DOL."
- > "All formal negotiations were conducted with the assistance of two independent mediators - one to mediate disputes between defendants and the investors and another to mediate claims involving the Bankruptcy Estate. Class Representatives and other plaintiffs were present, in person or by telephone, during the negotiations. The US Department of Labor and the New York State Attorney General participated in the settlement negotiations. **Rarely has there been a more transparent settlement negotiation. It could serve as a prototype for the resolution of securities-related class actions, especially those that are adjunctive to bankruptcies.**"

- > "The proof of the pudding is that an astonishing **98.72% of the Rule 23(b)(3) Class Members who were eligible to file a proof of claim did so (464 out of 470), and only one Class Member opted out [that Class Member was not entitled to recover anything under the Plan of Allocation]. I have never seen this level of response to a class action Notice of Settlement, and I do not expect to see anything like it again.**"
- > "I am not aware of any other Madoff-related case in which counsel have found a way to resolve all private and regulatory claims simultaneously and with the concurrence of the SIPC/Bankruptcy Trustee. Indeed, I am advised by Private Plaintiffs' Counsel that the Madoff Trustee is challenging settlements reached by the NYAG in other feeder fund cases [Merkin, Fairfield Greenwich] which makes the achievement here **all the more impressive.**"

In *Juniper Networks, Inc. Securities Litigation*, the court, in approving the settlement, acknowledged that "[t]he successful prosecution of the complex claims in this case required the participation of highly skilled and specialized attorneys." *In re Juniper Networks, Inc., C06-04327, Order dated August 31, 2010 (N.D. Cal.)*. In *the WorldCom Securities Litigation*, the court repeatedly praised the contributions and efforts of the firm. On November 10, 2004, the court found that "the Lowey Firm . . . has worked tirelessly to promote harmony and efficiency in this sprawling litigation .

[Lowey Dannenberg] has done a superb job in its role as Liaison Counsel, conducting itself with professionalism and efficiency . . ." *In re WorldCom, Inc. Securities Litigation*, No. 02 Civ. 3288, 2004 WL 2549682, at *3 (S.D.N.Y. Nov. 10, 2004).

In the *In re Bayer AG Securities Litigation*, 03 Civ. 1546, 2008 WL 5336691, at *5 (S.D.N.Y. Dec. 15, 2008) order approving a settlement of \$18.5 million for the class of plaintiffs, Judge William H. Pauley III noted that the attorneys from Lowey Dannenberg are “nationally recognized complex class action litigators, particularly in the fields of securities and shareholder representation,” that “provided high-quality representation.”

In the *In re Luminent Mortgage Capital, Inc., Securities Litigation*, No. C07-4073 (N.D. Cal.) hearing for final approval of settlement and award of attorneys’ fees, Judge Phyllis J. Hamilton noted that “[t]he \$8 million settlement . . . is excellent, in light of the circumstance.” Judge Hamilton went on to say that “most importantly, the reaction of the class has been exceptional with only two opt- outs and no objections at all received.” See Tr. of Hearing on Plaintiff’s Motion for Final Approval of Settlement/Plan of Allocation and for an Award of Attorneys’ Fees and Reimbursement of Expenses, *In re Luminent Mortgage Capital, Inc., Securities Litigation*, No. C07-4073-PJH (N.D. Cal. Apr. 29, 2009), ECF No. 183.





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Exhibit 2

A photograph of a modern office interior. A large, light-colored wooden wall serves as a backdrop, featuring the SGT Silver Golub & Teitell LLP logo in white. In front of the wall is a light-colored, tufted sectional sofa and a round, white coffee table with a metal frame. The floor is a light, polished material.

FIRM QUALIFICATIONS

STAMFORD

One Landmark Square
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Stamford, CT 06901

HARTFORD

225 Asylum Street
Floor 15
Hartford, CT 06103

NEW HAVEN

195 Church Street
Floor 11
New Haven, CT 06510

OVERVIEW

Silver Golub & Teitell LLP is a plaintiffs' law firm of trial lawyers who have taken the important, life changing cases the wellbeing of our clients depend on for nearly 50 years. We built our reputation by litigating resource-intensive cases and, after five decades, our track record speaks for itself: we've returned billions of dollars in jury verdicts and settlements in class action, complex litigation, personal injury, and medical malpractice matters.

SGT's Class Action and Complex Litigation practice group has represented individuals, consumers, state and local governments, unions, and retirement funds throughout the years to help offset the impact of controversies touching our communities.

Some notable representations include representing the State of Connecticut against the American tobacco industry, representing unionized employees whose first amendment rights were violated via anti-union layoffs, recovering amounts lost to Enron and Bernie Madoff on behalf of Connecticut municipalities, and establishing the right of political parties to determine the eligibility of non-party members to vote in primaries.

SGT's attorneys are also proud to serve in leadership roles in various organizations and institutions. Our name partners have taught trial practice at Yale Law School, the University of Connecticut School of Law, and Quinnipiac University Law School, and several SGT partners have served as President of the Connecticut Trial Lawyers Association.

CLASS ACTION & COMPLEX LITIGATION

Prior Representations

State Employees Bargaining Coalition, et al. v. Rowland.

In *SEBAC v. Rowland*, SGT achieved a court-approved settlement which has provided \$250+ million in compensation to thousands of unionized state employees who alleged they were deliberately and illegally singled out for layoffs by the State of Connecticut in violation of their First Amendment rights. Specifically, the class members alleged that after their union refused to yield statutorily statutorily-protected contract rights during negotiations, the State of Connecticut, in violation of the unions' and their members' exercise of protected First Amendment rights of free speech and free association, and with anti-union animus, ordered the layoff of thousands of state employees.

The State of Connecticut argued that the layoffs were carried out to force the union to agree to concessions that would ultimately save the State of Connecticut money. However, the United States Court of Appeals for the Second Circuit in a precedential decision disagreed and found found that the layoffs violated the unions' and union members' First Amendment right to freedom of association. SGT's work achieved a settlement of over \$250 million for a class of more than 40,000 unionized public employees in 2015. The settlement was approved on October 1, 2015.

The case was *State Employees Bargaining Coalition, et al v. Rowland*, No. 03-CV-221 and was brought in the United States District Court for the District of Connecticut before Hon. Alfred C. Covello, Senior United States District Judge.

State of Connecticut v. Philip Morris, Inc., et al.

Silver Golub & Teitell served as lead private counsel for the State of Connecticut from 1996-98 in its action against the American tobacco industry. SGT was one of only a few Connecticut firms to answer the Connecticut Attorney General's call for firms to represent the State in the litigation. Connecticut's action was part of the nationwide litigation which resulted in the November 1998 Master Settlement Agreement for \$246 billion being entered between plaintiffs and the four major tobacco companies Philip Morris USA, R. J. Reynolds, Brown & Williamson Tobacco Corp., and Lorillard.

The terms of Master Settlement Agreement provided for Connecticut to receive \$3.6 billion. Additionally, a special panel of former attorneys general concluded that contribution of Connecticut's SGT-led legal team to the national litigation and settlement warranted that the State of Connecticut receive an additional \$370 million of the national settlement proceeds, bringing Connecticut's total recovery to nearly \$4 billion.

The case was *State of Connecticut v. Philip Morris, Inc., et al.*, No. X02-CV-960148414S.

Spencer v. Hartford Financial Services Group, et al.

SGT served as court-appointed co-lead counsel and obtained a \$72.5 million cash settlement on the eve of trial for two certified subclasses of approximately 22,000 owners of structured settlement annuities in a nationwide class action against Hartford Financial Services Group, Inc and its affiliates. Plaintiffs and the class alleged that in order to fund class members' structured settlements, the Hartford property and casualty insurers purchased annuities from their affiliate, Hartford Life. By purchasing the annuity from Hartford Life, The Hartford companies allegedly were able to retain up to 15% of the structured amount of the settlement in the form of undisclosed costs, commissions and profit – all of which was concealed from the settling claimants.

The case was *Spencer v. Hartford Financial Services Group, Inc.*, No. 05-CV-1681 and was brought in the United States District Court for the District of Connecticut before Hon. Janet C. Hall.

Town of New Hartford, et al. v. Conn. Resources Recovery Authority.

SGT obtained a \$40+ million trial judgment as court-appointed lead counsel in a certified class action for 70 Connecticut municipalities to recover for losses sustained as a result of a quasi-public trash authority's improper dealings with Enron Corporation. The plaintiffs alleged they suffered damages in the form of increased costs when Enron defaulted on a \$220 million loan made by the Connecticut Resources Recovery Authority ("CRRA") to Enron.

Plaintiffs' complaint alleged that the CRRA's loan to Enron was illegal and that the expenditure of funds was an *ultra vires* act on the part of the CRRA. Plaintiffs further alleged, *inter alia*, that that CRRA breached a fiduciary duty which it owed to the municipalities, and that CRRA breached its duty of fair dealing and good faith.

The case was *Town of New Hartford, et al v. Connecticut Resources Recovery Authority*, No. UWY-CV-04-0185580S and was brought in Connecticut Superior Court, Judicial District of Waterbury before Hon. Dennis G. Eveleigh.

United States ex rel. Keeth v. United Technologies Corporation.

Silver Golub & Teitell represented the relator in a federal False Claims Act ("FCA") action against United Technologies Corporation which alleged, *inter alia*, that UTC had prematurely billed the government for work not yet performed on a helicopter contract and had inflated material inventories used as a basis for progress bills on its fixed-price contracts. The relator Douglas Keeth also alleged that UTC officials attempted to suppress disclosure of the improper Sikorsky practices after the company discovered and investigated the practices while participating in the Defense Department's voluntary disclosure program.

The *qui tam* litigation resulted in a \$150 million settlement which at the time was the largest ever recovery for an action brought under the FCA. SGT's client received a relator's share of \$22.5 million which was then also the largest such FCA award ever given to a relator.

The case was *United States ex rel. Keeth v. United Technologies Corporation*, No. H-89-323 brought in the United States District Court for the District of Connecticut before Hon. Alan H. Nevas.

In re AllianzGI Structured Alpha Class Action Litigation.

SGT served as court-appointed co-class counsel for a putative class of investors in a series of hedge funds managed by Allianz Global Investors U.S. LLC, a US-based asset management company owned by the German insurance giant Allianz SE. On September 30, 2021, United States District Court Judge Katharine Polk Failla issued an opinion denying in substantial part Allianz's motion to dismiss 15 consolidated actions. In April 2022, SGT's clients settled their claims on individual bases on confidential terms. The case was *In re AllianzGI Structured Alpha Class Action Litigation*, No. 20-cv-07154, filed in the United States District Court for the Southern District of New York.

Anglim v. Xerox Corporation.

Silver Golub & Teitell served as lead counsel in nationwide class action for 40,000 Xerox pensioners for violations under ERISA, resulting in a settlement that provided increased pension benefits for approximately 40,000 present and former Xerox employees. The case was *Anglim x. Xerox Corporation*, B-83-2511 and was brought in the United States District Court for the District of Connecticut.

Town of Fairfield v. Madoff.

Silver Golub & Teitell represented the Town of Fairfield, Connecticut and its pension plans from 2008-2013 in litigation against several feeder fund entities that enabled the Town to successfully recover \$15+ million it had invested in Madoff-related investment vehicles. The case was *Town of Fairfield, et al. v. Bernard L. Madoff, et al.*, X08 1 CV09 5011561S.

Westport Taxi Service, Inc. v. Westport Transit.

SGT represented a Westport, Connecticut taxi service against the Westport Transit District, claiming that the district had intentionally engaged in monopolistic practices in violation the Connecticut Antitrust Act. The trial court found that defendants Westport Transit District had gained monopoly power and engaged in predatory pricing. As a result, the trial court-imposed liability on the defendant Westport Transit District and awarded the treble damages, including lost profits, business value, and prejudgment interest.

CLASS ACTION & COMPLEX LITIGATION

Pending Matters

Allianz Global Investors Mutual Fund Litigation.

On November 1, 2022, SGT and co-counsel filed a motion seeking preliminary approval of a \$145 million settlement reached on behalf of several institutional and individual investors in a series of mutual funds managed by Allianz Global Investors U.S. LLC, a US-based asset management company owned by the German insurance giant Allianz SE.

The AllianzGI “Structured Alpha” mutual funds were an off-shoot of a suite of hedge funds advertised as capable of returning several percentage points of “alpha”—or returns uncorrelated to broader market movements—via a “market neutral” complex options trading strategy.

In May 2022, the DOJ and SEC announced criminal and civil charges against AllianzGI US and three AllianzGI US employees for fraudulently misrepresenting the risk profile of several Structured Alpha hedge funds. Although the charges and restitution orders did not address mutual fund investors, SGT’s investigation and analysis of the funds revealed that mutual fund shareholders were victimized by the same activity which led to the criminal charges.

The case is *Jackson v. Allianz Global Investors U.S. LLC*, Index No. 651233/2021 (N.Y.S.), and is currently pending before Justice Andrew Borrok of the New York State Supreme Court, New York County Commercial Division.

In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litigation

SGT filed the first class action in the United States against Philips North America LLC, Philips Respironics North America LLC, and the Dutch parent entity arising out of Philips' recall of CPAP, BiPAP, and mechanical ventilator devices due to the presence of a dangerous PE-PUR Foam that could cause users to suffer adverse health effects.

The cases were subsequently consolidated in an MDL proceeding before Senior United States Judge for the Western District of Pennsylvania, Judge Joy Conti. SGT Partner Ian Sloss is currently serving in a court-appointed leadership position and on the Discovery Committee.

The case is *In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Liability Litigation*, No. 21-cv-01230 (W.D. Pa.).

Diaz v. Griffin Hospital.

Silver Golub & Teitell represents a court certified class of over 3,100 individuals who were patients of defendant Griffin Hospital from between September 2008 and May 2014 and received insulin administered via multi-dose insulin pens. The certified class alleges that they suffered damages and emotional distress upon learning, via letter, that they had potentially been exposed to blood-borne pathogens as a result of at least eleven Griffin Hospital employees or agents improperly using multi-dose insulin pens.

The complaint alleged that the types of misuse include using a single pen on multiple patients, using a pen prescribed for a specific patient for whom it was not prescribed, drawing insulin from a pen prescribed for a specific patient into a separate syringe and administering the insulin to another patient, or removing the patient identification label affixed to a pen and then administering insulin from the pen to other patients. The court certified the proposed class of individuals on November, 23, 2020.

The case is *Diaz v. Griffin Hospital*, No. UWYCV156029965S and is pending before Hon. Linda Lager of the Connecticut Superior Court, Judicial District of Waterbury.

Aerospace Industry No-Poach Litigation.

SGT partner Ian W. Sloss represents lead plaintiff Zoe Borozny in a putative class action pending in the United States District Court for the District of Connecticut against defendants Pratt & Whitney (a division of Raytheon Technologies Corp.) and several aerospace engineer staffing companies alleging that they conspired to restrict competition and suppress wages via “no-poach” agreements in violation of antitrust laws.

The case is *Borozny et al. v. v. Raytheon Technologies Corporation, Pratt & Whitney Division, et al*, No.3:21-cv-01657 and is pending before Hon. Sarala V. Nagala in the United States District Court for the District of Connecticut.

Underwood et al. v Coinbase Global, Inc.

Silver Golub & Teitell has been appointed co-lead counsel on behalf of a putative class of users of the digital asset trading platform operated by Coinbase Global, Inc. (“Coinbase”), alleging that Coinbase has been illegally operating an unlicensed securities exchange. Plaintiffs, on behalf of themselves and the proposed class of digital asset investors, are seeking, *inter alia*, rescissory damages pursuant to the Federal Securities laws.

The case is *Underwood et al. v. Coinbase Global, Inc.*, No. 21-cv-08353 (S.D.N.Y.) and is currently pending before United States Judge for the Southern District of New York Paul A. Engelmayer.

In re EpiPen Direct Purchaser Litigation.

SGT is part of a committee with court-appointed interim co-lead counsel representing direct purchaser plaintiff drug wholesalers Rochester Drug Co-Operative, Inc. (“Rochester Co-op”) and Dakota Drug, Inc. (“Dakota Drug”) in a proposed class action alleging that brand-name and generic EpiPen manufacturers and a group of pharmacy benefit managers (“PBMs”) conspired to maintain supracompetitive prices for brand-name and generic EpiPens.

The case is *In re EpiPen Direct Purchaser Litigation*, No. 20-CV-00827 and is pending before Hon. Eric. C. Tostrud in the United States District Court for the District of Minnesota.

Contaminated Aerosol Spray Products Litigation.

Silver Golub & Teitell LLP is leading a coalition of firms that have reached a tentative settlement with consumer product manufacturer Procter & Gamble of claims arising out of the sale of aerosol spray products, including antiperspirants, deodorants, and dry shampoos, that contained the carcinogen benzene. SGT filed the first case in the Southern District of Ohio and successfully argued that all cases filed nationwide should be consolidated there.

Shortly thereafter, SGT and co-counsel engaged in extensive mediation with P&G which resulted in a tentative settlement agreement for up to \$8 million in cash refunds for class members and important injunctive relief. On October 28, 2022, Judge Michael H. Watson, United States District Judge for the Southern District of Ohio preliminarily approved the settlement and SGT as Settlement Class Counsel.

The case is *In re Procter & Gamble Aerosol Prods. Mktg. & Sales Practices Litig.*, MDL No. 3025, (S.D. Ohio).

Contaminated Baby Food Litigation.

SGT has taken a leading role in class action litigation against baby food producers alleging that for years they have sold baby food tainted with dangerous levels of toxic heavy metals. SGT has been appointed co-lead counsel by the court in *In re: Beech-Nut Nutrition Company Baby Food Litigation*, 1:21-cv-00133-DNH-CFH (N.D.N.Y), and to the Plaintiffs' executive committees by the court in *Wilson et al v. Walmart Inc. et al.*, No. 3:21-CV-00082 (E.D. Ark.) against Walmart.

Zaluda v. Apple Inc.

Silver Golub & Teitell represents a proposed class of users of Apple Siri-enabled devices in Illinois alleging Apple illegally created, collected, or otherwise obtained and stored their biometric voiceprints without consent in violation of the Illinois Biometric Information Privacy Act ("BIPA"), 740 ILCS/14 *et seq.* On December 9, 2020, the Court sustained Plaintiffs' claims and denied Apple's motion to dismiss.

The case is *Zaluda v. Apple Inc.*, No. 2019-CH-11771 and is pending before Hon. Michael T. Mullen of the Circuit Court of Cook County, Illinois, Chancery Division.

SGT CLASS ACTION & COMPLEX LITIGATION ATTORNEYS

We have the people and resources to litigate against any opponent.

David S. Golub, [Partner](#)

David Golub is a founding member of SGT and head of the firm's Class Action & Complex Litigation practice group. David is a graduate of Yale College and Yale Law School. Throughout his legal career, he utilized the law to further constitutional and civil rights and protection of the disadvantaged in a trial and appellate practice encompassing virtually every aspect of litigation.

Steven L. Bloch, [Partner](#)

Steven L. Bloch has more than 20 years of experience in the litigation of complex class, group and direct actions involving insurance and financial products and services, consumer fraud, employee and health benefits, antitrust and securities violations. Steve's expertise in pursuing civil RICO (Racketeer Influenced and Corrupt Organizations Act) has been invaluable for SGT's clients.

Ian W. Sloss, [Partner](#)

Ian W. Sloss joined SGT in 2019 and focuses his practice on representing investors and consumers in class, group, and direct antitrust, commodities securities, environmental, data privacy, consumer protection, and other types of litigation. Ian was named as "One to Watch" by Best Lawyers for 2022. Prior to joining SGT, Ian practiced at a boutique commodities and antitrust litigation firm based in New York.

FIRM QUALIFICATIONS

Our Attorneys

Jonathan M. Levine, [Partner](#)

Jonathan M. Levine graduated from Harvard College and Yale Law School and has been associated with SGT since 1990. Jonathan focuses his practice on complex matters, including class actions, involving employment and commercial litigation, constitutional law, medical malpractice and serious personal injury. Jonathan currently oversees SGT's efforts in SEBAC v. Rowland, where SGT has gained court approval of a \$250+ million settlement.

Sean K. McElligott, [Partner](#)

Sean K. McElligott, a graduate of Trinity College and Yale Law School, is an experienced trial lawyer that focuses his practice on complex litigation involving catastrophic injuries from medical malpractice, dangerous products and negligence. Sean previously practiced at Cohen Milstein Hausfeld & Toll where he focused his practice on antitrust litigation.

Paul A. Slager, [Partner](#)

Paul Slager represents plaintiffs in complex, high-value cases concerning life-changing personal or financial injuries. Paul is former President of the Connecticut Trial Lawyers Association, has been listed as one of the Top 10 Attorneys in Connecticut in each of the past four years (2019-22), and Best Lawyers has been named "Lawyer of the Year" four separate times in the fields of plaintiffs' Mass Tort Litigation/Class Actions and Product Liability Litigation by *Best Lawyers*.

Ernie Teitell, [Partner](#)

Ernie Teitell has 40 years of experience litigating criminal and civil matters. He currently serves as court-appointed lead counsel for a certified class of over 3,100 individuals who were patients of defendant Griffin Hospital from between September 2008 and May 2014 and received insulin administered via multi-dose insulin pens.

FIRM QUALIFICATIONS

Our Attorneys

Marco A. Allocca, [Partner](#)

Marco focuses his civil litigation practice in the areas of medical malpractice resulting in traumatic or catastrophic injuries, wrongful death, serious personal injury and sexual abuse/assault. Along with Ernie Teitell, Marco currently serves as court-appointed lead counsel for a class action lawsuit against a local hospital relating to the alleged misuse of multi-dose insulin pens — a claim that affects thousands of patients.

Zachary A. Rynar, [Associate](#)

Zachary A. Rynar joined Silver Golub & Teitell in 2018 and has worked on a variety of complex civil litigation and class action matters. Zach's practice includes cases on behalf of defrauded mutual fund investors in the wake of a major investment fund being liquidated as well as a series of false claims *qui tam* actions against two major banks seeking to recover millions of dollars in unredeemed cashier's checks improperly withheld from the states in which they were purchased.

Jennifer Sclar, [Associate](#)

Jennifer is deeply committed to protecting the rights of those who have been harmed by corporate malfeasance through the thoughtful use of class action litigation. Prior to joining SGT, Jennifer participated in the *In re Managed Care Litigation*, MDL No. 1334, Master File No. 00-1334-MD-MORENO (S.D. Fla. June 19, 2006), a multi-district litigation brought on behalf of over 600,000 physicians against the largest health insurers in America, alleging that payments were reduced, delayed and denied through the improper use of automated claims adjustment software. The recovery was valued at over \$500 million and led to significant changes in the health care industry.

Krystyna D. Gancoss, [Associate](#)

A detail-oriented and diligent attorney, Krystyna enjoys the meaningful work of tackling complex legal issues to attain a favorable outcome on behalf of clients. Her most recent work has been focused on helping to make whole again class action plaintiffs who have been wrongfully damaged physically, emotionally, or financially.

Marissa Ganz, Associate

Marissa is an Associate in SGT's Class Action & Complex Litigation practice groups. In addition to her work at SGT, Marissa works with the Center for Children's Advocacy on the Immigrant Children's Justice Project *pro bono*, representing abused, neglected, or abandoned undocumented children. Prior to joining the firm, Marissa was an associate at several other reputable firms in Connecticut, and served as a clerk in the Bridgeport Superior Court.

Ugo A. DePunzio, Associate

Ugo is an Associate in SGT's Class Action & Complex Litigation practice groups. He is a multilingual, multicultural attorney with 19+ years of legal industry experience, focused on domestic / international corporate litigation and investigations related to the Foreign Corrupt Practices Act (FCPA), and/or intellectual property litigation, and/or privacy statutes (HIPAA, CCPA, GDPR, CPRA, etc.), and/or shareholder litigation, including class-action.

William McElligott, Associate

Bill McElligott is an Associate in SGT's Class Action & Complex Civil Litigation practice groups. He came to SGT after working for more than 20 years in a small family practice where he worked on a wide range of civil and criminal matters. Most recently at SGT, Bill litigated on behalf of a putative class of private hedge fund investors against the United States asset manager Allianz Global Investors U.S. LLC, a subsidiary of the German insurance company Allianz SE.

Brett L. Burgs, Associate

Brett is an Associate in SGT's Class Action and Complex Litigation practice groups. He focuses on bringing value to clients in complex litigation and class actions. Brett's practice has included assisting with SGT's efforts on behalf of investors in who were defrauded by insurance giant Allianz SE's United States-based investment manager Allianz Global Investors U.S. LLC in a multi-billion dollar decades long fraud.

FIRM QUALIFICATIONS

Our Attorneys

Robert Valenti, Jr., [Associate](#)

Robert brings almost 18 years of class action and complex litigation discovery experience to SGT. Robert's most recent accomplishment has been participating in litigation against Allianz Global Investors U.S. LLC ("AllianzGI"), a United States-based asset management subsidiary of German insurance giant Allianz SE that recently pleaded guilty to securities fraud after the equities market turmoil of 2020 exposed a decade-plus long multi-billion dollar fraud.

Christopher M. Brain, [Law Clerk \(admission pending\)](#)

Christopher brings his own unique insights and experiences to his practice, having first qualified as a barrister in England and Wales and as a civil and commercial mediator before joining SGT. Christopher is well adept with various aspects of legal practice; particularly with written and oral advocacy, legal research, and drafting – having received specialist training in those areas.

